

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

W11a



Filed: 08/06/04
180th day: 02/02/05
Staff: MW-SC
Staff report prepared: 08/19/04
Hearing date: 09/08/04

COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-04-027, Pacific Grove Parking Meters

Applicant.....City of Pacific Grove

Project locationEardley Avenue, northeast of Central; Dewey Avenue, northeast of Sloat; Sloat Avenue, between Dewey and Eardley; Oceanview Boulevard between Dewey and Eardley; and Wave Street between Eardley and the city limit in the City of Pacific Grove (Monterey County). Exhibits A – C.

Project description.....Installation of 100 parking meters, including meter housings and metal pipes, along Oceanview Blvd. (first public road) and the adjacent streets listed above, and the ongoing regulation of parking through the use of such machines.

Local approval.....Ordinance 03-14 issued by the City Council August 6, 2003.

File documents.....City of Pacific Grove certified Land Use Plan.

Staff recommendation ...Approval with conditions

Summary: The proposed parking program is to be implemented within the first two blocks of the shoreline adjacent to the American Tin Cannery and the Hopkins Marine Station in the City of Pacific Grove and the Monterey Bay Aquarium in the City of Monterey. Please see Exhibit D. Demand for parking at these locations is exceptionally high given the proximity to the Aquarium and Cannery Row, which are very popular visitor-serving destinations. Prior to August 2003, parking on the affected streets was time restricted (i.e., 2-hour parking). The City has since installed parking meters and begun enforcement of the time-metered parking plan. To date, the Commission has not found any evidence that CDPs were issued for either parking restriction, or that they pre-dated the Coastal Act, thus they are considered unpermitted.

Pacific Grove officials maintain the proposed parking meters are needed to promote access and greater turn-over of the existing parking spaces, as well as to generate revenue for the City. According to the City, prior to installation of the meters, employees of the Cannery Row businesses were parking in these spaces limiting the number of free parking spaces available for the general public. Implementation of the metered parking program will make parking less attractive to area employees and more available to a greater number of visitors to the area. In addition, the City intends to generate an additional \$160,000 in



California Coastal Commission
September 8, 2004 Meeting in Eureka

Staff: M. Watson Approved by:

revenue to be used for police, fire, and other general services of the City.

The Coastal Act requires that public access be maximized and lower cost visitor facilities protected. The introduction of parking meters near the shoreline can have the effect of limiting access to the coast for those members of the public unable or unwilling to pay for parking. The certified LUP calls for bicycle racks and other visitor-serving recreational amenities to be installed to enhance public access and recreational amenities. Although the LUP does not require these amenities as offsetting benefits for any specifically identified actions, these improvements would mitigate for some of the potential access impacts of initiating metered parking. Without providing these, the City's action, though well intentioned, is nonetheless a paid parking program that limits access more so than under pre-project conditions. Accordingly, the proposed development is not consistent with the certified Land Use Plan or the access policies of the Coastal Act.

To maintain Coastal Act consistency, staff is recommending special conditions requiring: 1) operating parameters be established and formalized; 2) public access mitigation in the form of free, unrestricted parking adjacent to the shoreline nearby to the metered spaces; 3) limiting authorization of the parking program approved by this permit to a five year period; and 4) condition compliance. As conditioned, Staff recommends approval.

Staff Report Contents

I. Staff Recommendation on CDP Application	3
II. Conditions of Approval	4
A. Standard Conditions	4
B. Special Conditions	4
III. Recommended Findings and Declarations.....	5
A. Project Location and Description	6
1. Project Location	6
2. Project Description	6
B. Standard of Review	7
C. Coastal Development Permit Determination	7
1. Public Access and Recreation	7
a. Applicable Public Access and Recreation Policies.....	7
b. Public Access Analysis	8
c. Public Access and Recreation Conclusion.....	11
2. Visual Resources.....	12
a. Applicable Visual Resource Policies	12
b. Visual Resources Analysis.....	12
3. Unpermitted Development.....	12
4. Local Coastal Program.....	13
5. California Environmental Quality Act (CEQA)	13



IV. Exhibits

- Exhibit A: Regional Location Map
- Exhibit B: Project Vicinity Map
- Exhibit C: Parking Meter Location
- Exhibit D: Aerial Photo
- Exhibit E: Photo of Parking Meters
- Exhibit F: Ordinance 03-14
- Exhibit G: Notice Letter from City Manager
- Exhibit H: Proposed Access Mitigation Map

I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-04-027 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.



II. Conditions of Approval

A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Operating Parameters.** The metered parking program approved herein shall operate under the following parameters:
 - a. The fee schedule shall be:
 - \$1 per hour for the first two hours
 - \$2 per hour for the third and fourth hours
 - \$4 per hour for each hour or portion thereafter.
 - b. There shall be no maximum time limit set on the use of spaces.
 - c. The fee shall be in effect daily, between the hours of 9:00 a.m. and 8:00 p.m. only.

The permittee shall undertake the parking program in accordance with the approved operating parameters. Any proposed changes to the approved operating parameters shall be reported to the Executive Director. No changes to the approved operating parameters shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.



2. Public Access Mitigation. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval, final plans (site plan and elevation) in substantial conformance with Exhibit H: Proposed Access Mitigation Map, for the following project mitigation items:

- a. The location and style of one (1) change machine and any associated free-standing signage;
- b. Three (3) bicycle racks shall be installed on Ocean View at the City limit;
- c. Existing parking along Ocean View Boulevard between Dewey Avenue and Fountain Avenue shall remain free and unrestricted for the life of the project.

Within 90 days of issuance of the coastal development permit, the applicant shall submit evidence to the Executive Director for review and written approval that the public access improvements identified in subsections a – c above have been installed and are available to the public.

The permittee shall undertake the installation of the mitigation features in accordance with the final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

- 3. Term of Permit.** The permit approved herein shall be valid for five (5) years from the date of Commission action. At that time, the City may request an amendment to the permit to allow additional time. Any such application shall be filed complete no later than 54 months from the date of approval of this permit. All components of the parking program approved by this permit shall be removed prior to termination of authorization for the parking unless the Commission has approved a new permit to authorize the parking program beyond five years from the date of Commission action on the permit.
- 4. Condition Compliance. WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION,** or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of the permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:



A. Project Location and Description

1. Project Location

Pacific Grove is located on the southern tip of Monterey Bay approximately 100 miles south of San Francisco and is bounded by the City of Monterey and Monterey Bay. David Avenue, running perpendicular to the shore, essentially divides the two cities along a Northeast –Southwest plane. Please see Exhibit D. The proposed metered parking program is located on the first two blocks inland from the shoreline and the first two blocks adjacent to the Monterey city limits. This locale includes the American Tin Cannery and Hopkins Marine Station in the City of Pacific Grove and the Monterey Bay Aquarium in the City of Monterey. The Point Cabrillo planning area, as it is called in the certified Land Use Plan, is one of the most popular visitor-serving destinations in the Monterey Peninsula. The big draw to this location is the world-renown Monterey Bay Aquarium. Located at the west end of Cannery Row and contiguous with the Monterey-Pacific Grove city limit, the Monterey Bay Aquarium boasts over 1.8 million visitors annually and was recently awarded the distinction of the nation's No. 3 top-rated family attraction. In addition to the Aquarium, the historic Cannery Row offers shopping at a number of retail venues, culinary treats in its distinctive restaurants, and a multitude of visitor serving lodging accommodations. The proposed parking program is also located at the "trailhead" to the City's pedestrian and bicycle path which meanders along the shoreline the entire length of the City and offers sweeping views of Monterey Bay, offshore granite rock formations, and pocket cove beaches, as well as glimpses of near-shore marine life.

2. Project Description

The City of Pacific Grove proposes to install approximately 100 parking meters on several streets adjacent to the shared border with Monterey that includes Eardley Avenue (32), Dewey Avenue (8), Sloat Avenue (20), Oceanview Boulevard (33), and Wave Street (7). See Exhibit C for precise meter locations. Together with the physical development that is the placement of metal pipe and meter housings within the City's right-of-way, the City also intends to implement a paid parking program in an area of town that previously had none. The City's current proposal includes a graduated parking fee schedule that increases with the amount of time a parking space is occupied. The rate is \$1 per hour for the first 2 hours, \$2 per hour for the third and fourth hours, and \$4 per hour for each hour or portion thereafter. A small decal on the meter housings indicates that the parking program will be in enforced seven days a week, between the hours of 9:00a.m. and 8:00p.m.

Prior to August 2003, parking on the affected streets was time restricted (i.e., 2-hour parking), though parking was free. The City has since installed parking meters and begun enforcement of the metered parking plan. The matter was reported to Commission staff and a determination was made that the machines represent both physical development and a change in intensity of use of the area and thus require a coastal development permit. The Commission received an application to retain the development and metered parking program. To date, the Commission has not found any evidence that permits, CDP's or otherwise, were issued for either the metered or time-limited parking programs or that



such restrictions were in place prior to the Coastal Act. Therefore, for the purposes of the evaluation of this permit, they are considered unpermitted.

B. Standard of Review

The Point Cabrillo section of the City of Pacific Grove is within the coastal zone, but the City does not have a certified LCP. The City's Land Use Plan (LUP) was certified in 1991, but the zoning, or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently working to complete the IP. Because the City does not yet have a certified LCP, the Commission must issue coastal development permits, with the standard of review being the Coastal Act, although the certified LUP may serve as an advisory document.

C. Coastal Development Permit Determination

1. Public Access and Recreation

a. Applicable Public Access and Recreation Policies

While Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City's LUP also provides guidance to the Commission as it considers proposals for development in the Point Cabrillo neighborhood. With regards to public access, the LUP contains the following relevant policies:

4.2.4.1: The City shall enhance access to its shoreline, while maintaining the coastal zone's unique character, by reducing the impact of the automobile. This will be accomplished, in part, by encouraging use of the bus system lines within the coastal zone, and by providing non-vehicular coastal access opportunities in the form of pedestrian/bicycle paths.

4.2.5.5: New development at popular visitor destinations shall be required to provide bicycle racks to encourage bicycle users.

4.2.6.3: Appropriate signing should be considered for popular visitor destinations and access points in conjunction with other sign programs under coastal access and habitat protection policies.

5.4.2: The City shall coordinate shoreline access planning with the City of Monterey...

5.4.4: The City shall enhance access to its shoreline, while maintaining the coastal zone's unique character, by reducing the impact of automobiles. This shall be accomplished, in part, by encouraging use of public transportation within the coastal zone, and by providing non-vehicular coastal zone access opportunities.

The relevant sections of the Coastal Act are as follows:



Section 30210: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a): *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

Section 30213: *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

b. Public Access Analysis

The cited policies make clear that maximum access is to be provided for all segments of society. Those policies also provide that lower cost visitor serving facilities be protected. This location is a popular parking area for visitors and employees to the Monterey Bay Aquarium and Cannery Row, as it provides easy access to the western end of Cannery Row. As noted in the Background section above, there are approximately 1.8 million visitors to the Aquarium and Cannery Row annually. There are a multitude of pay-for-parking alternatives within the first few blocks of the area. However, prior to the installation of parking meters at this location, this two square-block section of town provided the only “free” parking within a short (less than 5 minutes) walking distance of the well-attended visitor attractions. Parking fees in the area range from \$1 per hour at meters (time-limited) to \$10 per day or more at public and privately managed parking lots. A trip to the Monterey Bay Aquarium generally lasts a minimum of two hours, however, more often than not, a complete tour of the attraction can last 4 –5 hours. Some members of the public may find the parking fee unaffordable and there aren’t any other convenient locations to park and access the attractions in this area without paying a fee. Accordingly, the metered parking program does not appear to be consistent with maximizing public access as required by the Coastal Act.

On the other hand, the Commission has acknowledged the right of a local government to regulate parking. There are few areas of the urbanized California coastline that do not have some form of parking fee or program, and these are generally driven by the need to maintain public safety, regulate public access, and/or generate revenues. These are the stated purposes for the City of Pacific Grove’s proposal.

The Monterey Bay Aquarium employs roughly 450 full-time employees and nearly 1,000 part-time volunteers. The nearby retail stores, restaurants, and hotels together employ hundreds more. Employees of these large visitor-serving businesses must somehow obtain transportation to work. Many of them choose to drive their automobiles, however, with the exception of the American Tin Cannery located in Pacific Grove, the large Cannery Row employers do not provide parking for their employees. Thus,



these employees, who often times do not make much more than minimum wage, must seek convenient and affordable parking. Since the City of Monterey does not provide any free, unrestricted parking within several blocks of Cannery Row, these individuals are parking in Pacific Grove where parking is free. As a result, visitors are finding fewer spaces available to them, particularly during the summer holiday season and on weekends. The City of Pacific Grove speculates that by implementing a metered parking program, employees will seek other parking or transportation alternatives and visitors will benefit from convenient, available, low cost parking –while the City generates upwards of \$160,000 in annual revenue. However, eliminating free parking will not only affect the behavior of the targeted user group (i.e., Cannery Row employees), it will also affect the choices visitors face when parking in this area.

The Commission's main concern with respect to such programs is that the operating parameters be reasonable and in the best interest of the public at large. A secondary concern is the spillover affect that may occur as people move to other areas that do not have a fee or charge less. Fee should be comparable to those charged at similar facilities and time limits should consider the longer stays of recreational users. The City of Monterey imposes a \$1 per hour fee at its parking meters and restricts parking to two hours on Cannery Row (first public road), four (4) hours on Wave Street (second street inland from shoreline), and twelve (12) hours on Foam Street (3 blocks inland). By contrast, the City of Pacific Grove proposes to implement a graduated parking fee of \$1 per hour for the first two hours, \$2 per hour for the 3rd and 4th hours, and \$4 per hour for each hour or portion thereafter. Parking for five (5) hours in Monterey will cost \$5, while parking for the same amount of time in Pacific Grove will cost \$10. Typically, the Commission has not allowed time limits of less than four hours in beach areas, since shorter time periods could significantly affect the quality of the public's beach experience. There is no maximum time limit proposed, so by paying the hourly fee, people can stay all day if they wish. The City proposes to operate the meters from 9:00a.m. to 8:00p.m. These parameters are generally consistent with the Commission's actions elsewhere. Special Condition 1 formally identifies the proposed parameters and is imposed to assure that these parameters are not modified at the City's discretion without further Commission review.

The City did not provide an analysis of whether the imposition of a metered parking program along Ocean View, Sloat, Dewey, and Eardley would adversely affect parking in adjacent streets or neighborhoods. It was apparent, however, that there would be little spillover in the adjacent neighboring streets to the west of the proposed parking program due to a residential parking program that is enforced everyday between the hours of 9:00a.m. to 6:00p.m.¹ There was some indication in the responses gathered from Cannery Row employees that workers were parking further up into the residential neighborhoods generally south and west of Lighthouse Avenue. There is no evidence to support the claim but simple economics may dictate that the cheaper meters located on the Monterey side of Cannery Row may attract additional persons looking for the cheapest parking alternative.

¹ Though not the subject of this permit action, staff was unable to locate any materials in the application to indicate the residential permit program is permitted. A search of the Commission's permit tracking system likewise failed to turn-up any permit approvals.



Further west on Ocean View Boulevard (west of 2nd Street), there is free, unrestricted public parking paralleling the shoreline. The City estimates that there are over 200 parking spaces from 1st Street to Lovers Point, some of them time restricted, though most are free and unrestricted. These parking spaces are mainly used by beach goers and users of the City's pedestrian and bike path. It is unlikely that many visitors to the Monterey Bay Aquarium and Cannery Row would occupy these parking spaces as it would require walking several blocks to these attractions and there is no signing or other information identifying the location and availability of this free parking.

In addition to not analyzing the potential "spillover" affects of the proposed project, the City has not proposed installation of bicycle racks, coin dispensers, or other items to mitigate for the loss of free parking in this location. Bicycle racks provide a free alternative to vehicular paid parking. Coin dispensers provide a convenient source of coins needed to park for any length of time. As noted above, the proposed parking meters are equipped to handle coins only and at an average stay of four to five hours, visitors would need to have between \$6 and \$10 in quarters. Also, noticeably missing from the proposal is any signing that provides information on the City's parking program and/or indicating the location of free parking. Accordingly, Special Condition 2 is attached to require that some of these alternative recreational features are provided in conjunction with operation of the paid parking program including installation of at least one coin dispenser, bicycle racks (required by LUP), and public access signing (also required by the certified LUP).

Where the Commission has acted to approve parking programs that restrict the general public from free parking², the local government was required to relocate the free parking elsewhere. The proposed project would displace visitors from free on-street parking in this area, leaving only paid parking as an alternative. Although the City is proposing to impose metered parking at 100 sites that were previously free of charge, the City is not proposing to replace it elsewhere. One location considered for mitigation includes the seaward side of Ocean View Boulevard between Dewey and Lighthouse Avenue. At this time, parking is not allowed and the curb is painted red. The City has stated that the right-of-way width is not adequate to support parking on both sides of Ocean View as the inland side is being used for residential permit parking. Until the engineering and permitting issues are resolved at this location, it may be more appropriate to seek mitigation elsewhere. Therefore in the interim, the Commission imposes Special Condition No. 2c, which requires the City to maintain the existing public parking along Ocean View Boulevard between 2nd Street and 17th Street as free, unrestricted public parking for the life of the project. The condition requires submittal of a plan for the mitigation features identified above and then installation of same within 90 days of issuance of the coastal development permit.

Recent trends in parking regulations also raise concerns about the cumulative impacts of individual projects on the ability of the public to park and access the shoreline. It is important, therefore, that the effect of this particular parking program be evaluated within the context of the larger pattern of parking regulation in Pacific Grove. Over time, the establishment of various parking regulations in both Pacific Grove and Monterey has led to a diminishing number of free, unrestricted parking spaces along the

² See, for example, previous Commission actions on the following applications: 5-84-236 (City of Hermosa Beach), 5-98-42 (City of Long Beach), 5-02-380 (City of Santa Monica), and 5-02-422 (City of Seal Beach).



historic Cannery Row. Elsewhere, along the shoreline in Pacific Grove, there are a multitude of parking regulations including time limits, metered parking, residential permit parking, and overnight parking bans that limit the public's ability to freely access the coast. The Commission was unable to uncover the origins of these parking programs or any evidence to suggest that these programs were issued coastal development permits or that they pre-dated the Coastal Act. In any case, as this trend continues, it is increasingly more difficult to conclude that additional parking regulations are consistent with the Coastal Act requirement of maximizing public access. In light of these developments, the Commission is imposing Special Condition 2d requires the City to maintain the existing public parking on Ocean View Boulevard between 2nd Street and 17th Street as free, unrestricted parking for the life of the project -that is, as long as the metered parking proposed by this application is effective.

Special Condition 3 limits the term of the permit to five (5) years, after which the Commission will have an opportunity to review the paid parking program and assess any unforeseen impacts. This is similar to the Commission's actions on other proposals for which impacts are difficult to assess in advance. The five-year term also provides the Commission an opportunity to review the status of the approved mitigation features. The City may apply for an amendment or amendments to retain the paid parking for a longer period, but must include with any amendment request a status report addressing compliance with Special Condition 2. It is expected that the mitigation facilities will be in place long before any amendment request to extend the term of the permit comes forward. Should unexpected delays, not of the City's making, delay placement of these amenities, the applicants must document the source of the delay and an appropriate solution to it. It will also be necessary to amend any affected special conditions to reflect any extended time needed to comply with said conditions. The Commission shall consider such explanations when determining whether or not to extend the term of the permit, and allow the paid parking program to continue to operate.

c. Public Access and Recreation Conclusion

Implementing metered parking where parking was previously free will limit public access and thus the public's ability to access the coast. It further represents a change in the intensity of use of the site. As a result, the metered parking program is inconsistent with the Chapter 3 policies of the Coastal Act. In accordance with the public access and recreation policies of the Coastal Act and with past Commission actions, it is appropriate to require special conditions to mitigate for the loss public access and recreation opportunities and bring the project into conformance with said policies.

With the three (3) conditions identified in this finding, adverse impacts on public access at the subject site will be mitigated by alternative access improvements. In addition, with a term of five years for the permit, if continued use of the meters is proposed, the Commission has an opportunity to again review this matter and review information on any identified impacts within the first years of operation. As conditioned, the project is consistent with the Chapter 3 policies of the Coastal Act and applicable policies of the certified LUP.



2. Visual Resources

a. Applicable Visual Resource Policies

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected as a resource of public importance. The Coastal Act further provides that permitted development shall be sited and designed to protect views in such scenic coastal areas and be visually compatible with the character of the surrounding areas.

The City's certified Land Use Plan contains the following relevant policies:

LUP Policy 2.5.2. ...Coastal area scenic and visual qualities are to be protected as resources of public importance. Development is required to be sited to protect views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.

LUP Policy 2.5.5.1. New development, to the maximum extent feasible, shall not interfere with public views of the ocean and bay.

b. Visual Resources Analysis

The proposed paid parking program will add structures along both sides of Ocean View Boulevard, the first public road and major coastal access route through Pacific Grove. Unlike “pay and display” machines which are fairly large and can service up to 50 vehicles at a time, parking meters sit atop a metal post and typically service two parking spaces. Thus, the proposed regulation of 100 parking spaces would require installation of 50 parking meter posts and housings. The posts are typically four and one-half to five feet in height and will line the road right-of-ways of the affected streets. See Exhibit E. For the most part, the parking meters and posts will not interfere with views to the coast, but they do introduce an additional bit of urban development in an otherwise highly scenic coastal setting. Nevertheless, the affected area is located in a commercial-visitor serving / urban setting of the City. Parking meters are a necessary component of a metered parking program and are common in and around the historic Cannery Row. The Commission, therefore, finds that although there will be some measure of visual disturbance associated with the installation of meters and operation of the parking program, they will not block views of the bay and thus, will not raise to a level of significance as to make the project inconsistent with Section 30251 of the Coastal Act or the scenic and visual protection policies of the certified LUP.

3. Unpermitted Development

Ordinance No. 03-14 was passed and adopted on August 6, 2003 by the City of Pacific Grove, which granted an encroachment license to install 100 parking meters on four municipal owned streets. See Exhibit F for the complete text of the Ordinance. The effective date of the Ordinance was 30 days hence and the meters were installed in October 2003. The City began operating the metered parking program shortly thereafter and continues to do so today. Prior to the establishment of the metered parking program, the City imposed a 2-hour time restricted parking program in the same location. The origin of



the prior parking restriction is unknown at this time. Staff was unable to locate a permit for either parking program in the Commission's permit tracking system and the City has not provided any evidence of permits. Because this is an after-the-fact permit approval, Special Condition 4 requires the "prior to issuance" conditions be satisfied within 90 days of Commission action.

Although development has taken place prior to submission of this permit application and approval of the CDP, consideration of the application by the Commission has been based solely upon the certified LUP policies (advisory) and Chapter 3 policies of the Coastal Act. Action by the Commission on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

4. Local Coastal Program

Section 30600(C) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified LCP. The Commission can take no action that would prejudice the options available to the City in preparing a Local Coastal Program that conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act).

Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal Commission to prepare its Local Coastal Program. However, the draft LCP was rejected by the City in 1981, and the City began its own coastal planning effort. The City's LUP was certified on January 10, 1991, and they are currently formulating implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. (Of course, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.)

The proposed paid parking program does not change the location or amount of public parking in the vicinity, but may affect the public's ability to access the shoreline in this location if people want to avoid paying parking fees. The proposed development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

5. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.



The environmental review of the project conducted by Commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including public access and recreation, and visual resources. This analysis is reflected in the findings that are incorporated into this CEQA finding. No public comments were received by Commission staff.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions which implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

